

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00110-MR**

ROGER EDWARDS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU BUCHANAN, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

The incarcerated Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. The Amended Complaint passed initial review on a retaliation claim against Defendant Tommy D. Buchanan.¹ [Docs. 12, 13].

Defendant Buchanan has filed a Motion for Summary Judgment. [Doc. 31]. The Court entered an order in accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the requirements for filing a response to the summary judgment motion and of the manner in which evidence could be submitted to the Court. [Doc. 35]. In opposition to the

¹ The Amended Complaint refers to the Defendant as “FNU Buchanan” and “Mr. Buchanan.” [Doc. 12 at 1-2]. The Clerk will be instructed to correct the Court record to reflect the Defendant’s correct name.

Motion for Summary Judgment, the Plaintiff filed a Response, Statement of Facts, and Declaration. [Docs. 36, 36-1].

The Federal Rules of Civil Procedure require that “[e]very pleading, written motion, and other paper must be signed ... by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a). An unsigned paper must be stricken unless the omission is promptly corrected after being called to the party’s attention. Id.

The Plaintiff has not signed the Response and Declaration at all, and the Statement of Facts contains only a typewritten signature, which does not satisfy Rule 11(a). See Becker Montgomery, 532 U.S. 757 (2001) (a typewritten name is not a “signature” for purposes of Rule 11(a) unless permitted by local rule); W.D.N.C. Admin. Procedures Governing Filing and Service by Electronic Means, §§ II(C)(2), III(A) (rev. Jan. 1, 2018) (allowing *attorneys* to submit typewritten signatures electronically; requiring conventional filing of original documents by *pro se* parties).

The Clerk will be instructed to mail to the Plaintiff a copy of his summary judgment opposition materials. The Plaintiff must sign the Response, Statement of Facts, and Declaration, and return them to the Court within **ten (10) days** of this Order. Should the Plaintiff fail to timely comply,

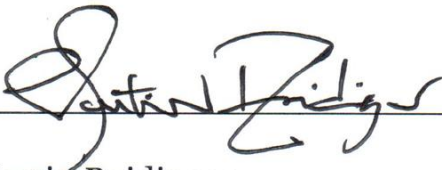
the Response, Statement of Facts, and Declaration will be stricken without further notice.

IT IS, THEREFORE, ORDERED that the Plaintiff shall, within **ten (10) days** of this Order, sign and return to the Court the Response, Statement of Facts, and Declaration that he filed in opposition to Defendant's Motion for Summary Judgment. [Docs. 36, 36-1]. Should the Plaintiff fail to timely comply, these documents will be stricken without further notice.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully instructed to: mail the Plaintiff a copy of his summary judgment opposition materials [Docs. 36, 36-1] along with a copy of this Order; and correct the Defendant's name in the Court record to reflect that "FNU Buchanan" is Tommy D. Buchanan.

IT IS SO ORDERED.

Signed: January 19, 2022



Martin Reidinger
Chief United States District Judge

